

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO ALVARADO SANTOS,

Defendant.

4:13CR3078

DETENTION ORDER PENDING TRIAL

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), the court concludes the defendant must be detained pending trial.

There is a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the defendant's appearance at court proceedings and the safety of the community because there is probable cause to believe the defendant committed a drug crime under the Controlled Substances Act (21 U.S.C. § 801 et seq.), for which the defendant could be required to serve ten or more years in prison. The defendant has not rebutted this presumption.

Specifically, the court finds there is clear and convincing evidence that the defendant has a criminal record which indicates a propensity to violate the law and orders of the court; has substantial contacts with a foreign country and could flee before this case is tried; used firearms during the course of committing drug-related crimes; was a leader/organizer in drug-related crimes; has limited contacts with Nebraska; has failed to appear for court proceedings in the past; attempted to avoid arrest on the warrant entered in this case by retreating into his home at the sight of law enforcement at his door and then used a fictitious name to conceal his true identity; and no conditions or combination of conditions are currently available which will sufficiently ameliorate the risks posed if the defendant is released.

Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

July 29, 2014.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge